

**REMARKS**

**New Claims:**

Applicant has added new claims 10-12. Support for these new claims can be found on at least pages 12-13 of the present application.

Further, Applicant submits that these claims are allowable, at least by reason of their dependence and the discussions set forth below.

**Claim Rejections:**

Claims 1-3 are all of the claims pending in the present application, and currently all of the claims stand rejected.

***35 U.S.C. § 103(a) Rejection - Claims 1-3:***

Claims 1 - 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by the previously applied Shigetomi and Liu references. In view of the following discussion, Applicant respectfully traverses the above rejection.

As indicated previously, Shigetomi is directed to an information label which is to be placed on an optical disk. The label contains a base sheet, on which data or a display is placed, and an adhesive layer on the base sheet. The adhesive layer is used to adhere the label to the disk.

Additionally, a protective film may be placed over the display data on the base sheet (col. 2, lines 55-61), and a release liner can be applied to the surface of the adhesive layer (col. 3, lines 52-53).

In response to Applicant's arguments, the Examiner stated that:

It would have been obvious to one of ordinary skill in the art the adhesive force of the protect film would be greater than the adhesive force of the release layer since the release layer has been treated to make it releasably adhered to a surface.

See Office Action, page 4, para. 3.

Applicant submits that the Examiner's statement of obviousness, without more, is insufficient to satisfy the Examiner's duty to establish a *prima facie* case of obviousness with respect to the claimed invention. Namely, it is insufficient to simply allege that a claimed aspect of an invention is obvious without some additional support.

Furthermore, even if the Examiner's statement is taken as true, the above references still fail to teach or suggest each and every feature of the claimed invention, taken individually or in combination.

Specifically, contrary to the Examiner's assertions, the Shigetomi label is not adhered to a recording surface of the optical disk. As indicated above, Shigetomi is directed to a display label which is placed on a disk to identify the type of data stored on the disk. As such, the label is not placed on the recording layer, but on an opposite side of the recording layer.

In the claimed invention, the thin film cover sheet is adhered, via the adhesive film, to the recording surface of the disk substrate of an optical disk. However, as stated above, in Shigetomi, the label is secured to the side of disk which is the non-recording surface.

As such, even if the references were combined, as suggested by the Examiner (which Applicant does not admit would have been obvious), the resultant combination would fail to teach or suggest each and every feature of the claimed invention, as there is nothing in Liu that would teach a skilled artisan to adhere the Shigetomi label onto the recording surface of the disk. Such a combination would simply prevent the disk from being readable.

Moreover, Applicant notes that the information label of Shigetomi involves an optical disk base, a protective layer, and a hard-coat layer. However, the hard-coat layer is not an essential element of a disk. Further, the article for recording media of Liu covers a reading/recording surface of an optical disk, but this is not a structural element of the disk.

In the cover sheet package of present invention, the peeling sheet and the protective sheet are ultimately peeled off once their purpose has been served. Thus, the peeling sheet is made to have greater peelability than the protective sheet in view of the production processes for the package.

This is different from the present invention, where no such peeling off is intended for Shigetomi's protective film. As such, the claimed invention would not have been obvious as suggested by the Examiner.

Further, contrary to the assertions by the Examiner, Shigetomi fails to teach or suggest any kind of relationship of adhesive force between the peeling sheet and the protective film.

Turning again to Liu, Liu discloses the adhesive force of adhesive material in paragraph [0042]. Upon careful examination and consideration of the disclosure relied upon by the Examiner, Liu, in fact, discloses the relationship between the adhesive force effected when the sheet is attached to the reading/recording surface (target surface) and the adhesive force effected when the sheet is attached to the surface of skin, clothes or printing sheets (non-target surfaces). Applicant submits simply that is different from AP1 (the adhesive force between an adhesive layer and a recording layer) and AP2 (the adhesive force between a resin film and the protective sheet) of the present application. Accordingly, the values of adhesiveness taught by Liu, and relied upon by the Examiner, have little relevance to the claimed adhesive relationships.

Specifically, Applicant submits that the adhesive values relied on by the Examiner are insufficient and should not be regarded as grounds for reaching the conclusion of obviousness in terms of the range of adhesive force of the present invention being included in Liu's range of adhesive force. Because at least some of the disclosed adhesive forces, in Liu, are directed to adhesion to "undesirable" surfaces, Applicant submits that the data in Liu is insufficient to render the claimed invention obvious.

Additionally, Applicant notes that the alleged invention in Shigetomi is a label that achieves the prevention of unnecessary disposal of disks due to print error, and allows the application of a variety of methods. However, Liu is directed to a sheet which adheres more to a recording/reproduction surface and less to the surface of skin, clothes or printing sheets, which provides for the protection of a disk surface. Because of the these divergent teachings, a skilled artisan would not have been motivated to combine these references to obtain the claimed invention.

In the present invention, the cover sheet package allows the peeling of the peeling sheet before, and without the removal of, the protection sheet, in order to prevent damage to the surface of a resin sheet during the production of optical disks. This is simply not taught or suggested by the above references.

In view of the foregoing, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the above references as suggested by the Examiner, and even if one combined the references as suggested the resultant combination would fail to disclose, teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness

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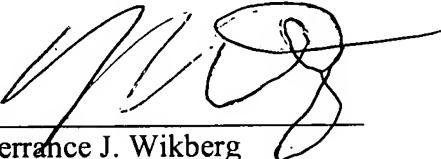
with respect to the claimed invention, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

**Conclusion:**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Terrance J. Wikberg  
Registration No. 47,177

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

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